

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 194 be amended to read as follows:

- 1 Page 3, line 19, delete "or a near fatality of a child".
- 2 Page 3, line 24, delete "died or where the near fatality" and insert
- 3 **"died;"**.
- 4 Page 3, delete line 25.
- 5 Page 3, line 28, delete "child or a description of".
- 6 Page 3, line 29, delete "the near fatality of the".
- 7 Page 4, line 13, after "program;" insert **"and"**.
- 8 Page 4, delete line 14.
- 9 Page 4, line 15, delete "(12)" and insert **"(11)"**.
- 10 Page 5, line 12, after "with" insert **"gross"**.
- 11 Page 5, line 30, delete "team;" and insert **"team established under**
- 12 **IC 31-33-3;"**.
- 13 Page 6, line 4, delete "subsection (b)" and insert **"section 1.5 of this**
- 14 **chapter"**.
- 15 Page 6, line 12, delete "All" and insert **"Except as provided in**
- 16 **section 1.5 of this chapter, all"**.
- 17 Page 6, line 21, delete "not".
- 18 Page 6, line 21, delete "shall" and insert **"may not"**.
- 19 Page 6, line 21, after "disclosed" insert **"."**.
- 20 Page 6, delete lines 22 through 26, begin a new paragraph and insert:
- 21 **"SECTION 9. IC 31-33-18-1.5 IS ADDED TO THE INDIANA**
- 22 **CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 23 **JULY 1, 2004]: Sec. 1.5. (a) This section applies to records held by:**

- (1) the division of family and children;
- (2) a county office of family and children;
- (3) a local child protection service;
- (4) a local child fatality review team established under IC 12-13-15; and
- (5) the statewide child fatality review committee established under IC 12-13-15.1-6;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect.

(b) As used in this section, "identifying information" means information that identifies an individual, including an individual's:

- (1) name, address, date of birth, occupation, place of employment, employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;
- (2) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;
- (3) unique electronic identification number, address, or routing code;
- (4) telecommunication identifying information; or
- (5) telecommunication access device, including a card, a plate, a code, a telephone number, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access.

(c) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of redacting and copying the record.

(d) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

(e) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude identifying information of a person or other information not relevant to establishing the facts and circumstances leading to the

1 death of the child. However, the court shall not redact the record
 2 to exclude information that relates to an employee of the division
 3 of family and children, an employee of a county office of family
 4 and children, or an employee of a local child protection service.

5 (f) The court shall disclose the record redacted in accordance
 6 with subsection (e) to any person who requests the record if the
 7 person has paid:

8 (1) to the entity having control of the record, the reasonable
 9 expenses of copying under IC 5-14-3-8; and

10 (2) to the court, the reasonable expenses of copying and
 11 redacting the record.

12 (g) The court's determination under subsection (e) that certain
 13 identifying information or other information is not relevant to
 14 establishing the facts and circumstances leading to the death of a
 15 child is not admissible in a criminal proceeding or civil action."

16 Page 6, line 29, after "chapter" insert "and the unredacted reports
 17 and other material described in section 1(b) of this chapter".

18 Page 7, line 21, after "court," insert "for redaction of the record in
 19 accordance with section 1.5 of this chapter, or".

20 Page 7, line 23, after "However," insert "except for disclosure of a
 21 redacted record in accordance with section 1.5 of this chapter,".

22 Page 10, line 19, delete "shall," and insert "may,".

23 Renumber all SECTIONS consecutively.

(Reference is to ESB 194 as printed February 20, 2004.)

Representative Orentlicher